SB Civil Writ Petition No.1031/2000

Bhagwan Das Vs RPSC & anr

6.8.2007

Hon'ble Mr Justice Ashok Parihar

Mr SC Gupta – for petitioner

Mr SN Kumawat – for respondent-RPSC

BY THE COURT:

Petitioner applied for the post of Assistant Engineer (Civil) in pursuance to the advertisement issued by the respondent-Commission on 3.10.1994. The result of the written examination was declared on 29.6.1995. Petitioner was not found eligible to be called for interview. After completion of interview, the select list was sent to the State Government on 4.5.1996 and appointments have also been made accordingly.

It appears that subsequently in the year 1997, the petitioner again applied for the post in question in pursuance to fresh advertisement issued by the respondent Commission. After selection, the petitioner has already been appointed on the post in question. It has been alleged by the petitioner that during training period he came to know that persons lower in merit in the category of OBC have been called for interview in pursuance to the earlier

selections made vide advertisement dated 3.10.1994, as such, the prayer for selection/appointment to the above post in pursuance to the advertisement issued in the year 1994 has been made in the present writ petition filed on 7.3.2000.

In reply, it has been submitted that original application form and documents have already been weeded out, however, as per the secret record maintained by the Commission it transpires that the petitioner had applied against the general category handicapped quota and not as an OBC candidate.

There is no explanation as to why the petitioner did not seek the remedy at the relevant time when the selections were completed in May, 1996 itself. Be that as it may, even the statement made on behalf of the respondent Commission on the basis of record duly maintained by the Commission cannot be disbelieved. Having considered entire facts and circumstances, the relief, as sought, cannot be granted by this court under writ jurisdiction now after more than 13 years. The writ petition is dismissed accordingly as having no merit.

(Ashok Parihar) J.

bnsharma